



Paper No.

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APR 16 2007

**OFFICE OF PETITIONS**

In re Application of :  
Teblyashkin et al. : DECISION ON PETITION  
Application No. 09/963,659 :  
Filed: September 27, 2001 :  
Atty Docket No. 01.045.01 :

This is in response to the PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT under 37 CFR 1.181(a) filed October 10, 2006.

The application became abandoned for failure to timely pay the  
issue fee and publication fee within the statutory period of  
three months from the mailing date of the Notice of Allowance  
mailed May 24, 2006. An authorization to charge the \$300  
publication fee and \$1400 issue fee to a Deposit Account was  
received on June 28, 2006. However, when presented on June 28,  
2006, the Deposit Account was found insufficient to pay the fees  
as the balance in Deposit Account No. 50-1351 was only \$747.00.  
No further reply received and no extension of time obtainable,  
the application became abandoned effective August 25, 2006. A  
courtesy Notice of Abandonment was mailed on September 28, 2006.

Applicants replied with the instant petition. Applicants  
request withdrawal of the holding of abandonment on the basis  
that the fees were timely paid by authorization to charge the  
Deposit Account filed June 28, 2006. Applicants do not address  
the insufficiency of the Deposit Account balance.

It is undisputed that the Issue Fee transmittal was timely  
received on June 28, 2006. However, the record also reveals no  
error in processing. Rather, funds were insufficient to pay the  
authorized fee.

As provided in 37 CFR 1.25(a), charges to accounts with insufficient funds will not be accepted. As the Deposit Account was insufficient when the issue fee and publication fee were presented, they were properly not accepted. Accordingly, the application became abandoned for failure to timely pay the issue fee (and publication fee). Under the circumstances, withdrawal of the holding of abandonment is not warranted.

The petition under 1.181 is DISMISSED.

No fee is required and none has been charged for consideration of this petition.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicants may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate. The filing of a petition to revive will be dismissed if it is found that its filing was intentionally delayed.


Further correspondence with respect to this decision should be addressed as follows:

By mail:                      Mail Stop Petition  
                                 Commissioner for Patents  
                                 P.O. Box 1450  
                                 Alexandria, VA 22313-1450

By fax:                        (571) 273-8300  
                                 ATTN: Office of Petitions

By hand:                      Customer Service Window  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the printed name.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions